

REMARKS

Applicant thanks the Examiner for carefully considering this application. Please reconsider the application in view of the following remarks.

Disposition of Claims

Claims 1 and 9-18 are currently pending in this application. Of these, claim 1 is independent. The rest of the claims depend, either directly or indirectly, from claim 1.

Rejections under 35 U.S.C. § 102

Claims 1 and 9-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,210,833 (“Neveux”). This rejection is respectfully traversed.

Under 35 U.S.C. § 102, “[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Further, the prior art reference must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements arranged as in the claim. The “arranged as in the claim” requirement applies to all claims and refers to the need for an anticipatory reference to show all the limitations of the claims arranged or combined in the same way as recited in the claims. *See Net MoneyIn, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369-70 (Fed. Cir. 2008). Applicant respectfully asserts that Neveux fails to anticipate independent claim 1 for the following reasons.

One or more embodiments of the claimed invention are directed to a ventilation device that includes a fan that is rotationally driven by an electric motor, which is firmly attached to a support. Referring to Fig. 5 of the published application as an example, the central part 131 of the support 130 includes a through hole 132, which is intended to receive the open electric motor 120. As shown in Fig. 5, the cross-section of the through hole 132 is substantially complementary to that of the open electric motor. As also shown in Fig. 5, the through hole 132 is delimited by an inner edge 133, which cooperates by continuous contiguous contact with a lateral wall 122 of the open electric motor 120. This means that the through hole 132 hugs the circumference of the electric motor 120 as closely as possible. Neither clearance nor gap exists between the inner edge 133 and the peripheral surface of the electric motor 120. *See* Specification, ¶¶ [0029], [0031] – [0032]; Fig. 5.

Accordingly, independent claim 1 requires, in part, “wherein the hole comprises a through hole, the cross-section of which is substantially complementary to that of the open electric motor, said through hole configured to receive said open electric motor,” “wherein the through hole is delimited by an inner edge,” and “wherein the inner edge is in continuous contiguous contact with a lateral wall of the open electric motor.” Applicant respectfully asserts that Neveux fails to show or suggest these limitations of independent claim 1 for the following reasons.

Neveux is directed to a motor-fan unit, particularly for the cooling of the circulation water of an automobile vehicle motor, that includes a helicoid fan driven by an electric motor. *See* Neveux, Abstract. As shown in Fig. 1 of Neveux, the motor 2 is fixed in a housing 7 having two parts: a front part 8 and a back part 11. The back part 11 of the housing 7 is engaged around the front part 8 on the side of the motor 2 having a shaft 3. Resilient

abutments 11a are disposed inside the back part 11 and cause a magnetic ring 2a of the motor 2 to rest against an interior shoulder 8a of the front part 8. A rib 8f is disposed externally of the front part 8 and resiliently surmounts a step 11b of the back part 11. The rib 8f becomes latched behind the step 11b when the back part 11 is engaged to the front part 8. The motor 2 is thus fixed in the housing 7. *See* Neveux, col.2 ll.40-53.

In the Office Action, the Examiner asserts, “[i]t is apparent from Figure 1 [of Neveux] that the inner edges of rib 8f, shoulder 8e, and step 11b are all in continuous, sealing, contiguous contact with the outer peripheral wall of the motor.” *See* Office Action, p. 4, ¶ 4. Contrary to the Examiner’s assertion, however, even if Neveux’s housing is akin to the central part of the motor support of the claimed invention as the Examiner suggests (*see* Office Action, p. 3, ¶ 4), Neveux fails to disclose that continuous contiguous contact is provided between the housing and the lateral side of the motor as required by independent claim 1. Indeed, Neveux even fails to disclose that continuous contiguous contact is provided between the rear end of the front part 8 of the housing 7 and the part 2a of the motor 2.

For example, as shown in Fig. 1 of Neveux, rib 8f is provided along the lateral side of the motor (*i.e.*, part 2a). As discussed above, the rib 8f latches behind the step 11b in order to engage the front part 8 and the back part 11 of the housing 7 with each other. *See* Neveux, col.2 ll.51-52. Because the motor 2 is fixed to the housing 7 in this way, for at least this reason, there *cannot* be continuous contiguous contact between the front part 8 of the housing 7 and the lateral wall of the motor 2 as required by the claimed invention. In other words, the configuration of the rib 8f and the step 11b in Neveux prevents continuous contiguous contact between the housing 7 and the lateral wall of the motor 2.

As such, Applicant respectfully asserts that there is an appreciable difference between the motor-fan unit of Neveux and the ventilation device of the claimed invention at least because the motor is fixed to the housing/central part in different ways. As discussed above, in Neveux, the front part 8 and the back part 11 of the housing 7 engage with one another in order to fix the motor 2 in the housing 7. That is, the front part 8 and the back part 11 of the housing 7 axially sandwich the motor 2 in order to fix the motor 2 in the housing 7.

In sharp contrast, in the claimed invention, the motor is fixed to the central part of the support in the following manner. As required by independent claim 1, the central part of the support comprises a hole, which comprises a through hole. Further, the cross-section of the through hole is substantially complementary to that of the open electric motor, and the inner edge of the through hole is in continuous contiguous contact with a lateral wall of the open electric motor. As such, the through hole hugs the circumference of the motor as closely as possible, providing an air tight link between the motor and the central part of the support, thereby fixing the motor to the central part of the support. This continuous contiguous contact between the motor and the central part of the support eliminates a subsidiary air flow such that the action of the aerodynamic force is exerted only on the electric motor alone. Accordingly, the air flow that passes through the motor is considerably increased, to the benefit of the motor cooling. *See* Specification, p. 1, ¶ [0012]; p. 2, ¶ [0028].

Consequently, there is, at least, an additional difference between the motor-fan unit of Neveux and the ventilation device of the claimed invention. Because there is no continuous contiguous contact between the motor and the housing of Neveux, there is *necessarily* at least some subsidiary air flow in the motor-fan unit of Neveux because an air tight

link between the components is lacking. As such, the rate of flow of air inside the motor (*see* Neveux, Fig. 1, 20) is diminished.

Thus, Neveux fails to show or suggest, at least, “wherein the hole comprises a through hole, the cross-section of which is substantially complementary to that of the open electric motor, said through hole configured to receive said open electric motor,” “wherein the through hole is delimited by an inner edge,” and “wherein the inner edge is in continuous contiguous contact with a lateral wall of the open electric motor,” as required by independent claim 1. As such, independent claim 1 is patentable over Neveux for at least the above reasons. Claims 9-18 depend, either directly or indirectly, from independent claim 1. Thus, claim 9-18 are patentable over Neveux for at least the same reasons as claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17258/002001).

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Respectfully submitted,

By 

Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant